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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MORRIS C. AARON, Liquidating Trustee of the  
First Magnus Liquidating Trust, real party in  
interest for FIRST MANGUS FINANCIAL  
CORPORATION,

Plaintiff,

v.

CARA MARIA GUDELIS and JOHN DOE  
GUDELIS, a married couple; RUDOLF STRAAT  
and JANE DOE STRAAT, a married couple;  
PAUL HILL, SR. and JANE DOE HILL, a  
married couple; PAUL HILL, II and JANE DOE  
HILL, a married couple; MICHAEL MULLINS  
and JANE DOE MULLINS, a married couple;  
DWAYNE R. SMITH and JANE DOE SMITH, a  
married couple; TIMOTHY ENGEN and JANE  
DOE ENGEN, a married couple; OPTIONS ARE  
US, INC., a Nevada corporation; PANTHER  
INVESTMENTS, a Nevada entity; FAT CAT  
REAL ESTATE, LLC, a Nevada limited liability  
company; NUTEX CONSTRUCTION, INC., a  
Nevada Corporation; ACCURATE  
ACCOUNTING AND INNOVATIVE TAX  
SERVICE, a dissolved Michigan corporation;  
KELSEY, LLC, a Nevada limited liability  
company; SW CAPITAL CORPORATION, a  
Nevada or Texas entity; ACE APPRAISALS

CASE NO. 2:07-CV-00132-JCM-PAL

**ORDER DENYING MOTION TO  
DISMISS WITHOUT PREJUDICE**

Hearing Date: November 1, 2011  
Hearing Time: 10:30 a.m.

CORPORATION, a Nevada corporation;  
STODDARD & ASSOCIATES, a Nevada  
corporation; COMMONWEALTH LAND TITLE  
COMPANY, a Nevada corporation; LAWYERS  
TITLE OF NEVADA, INC., a Nevada  
corporation,

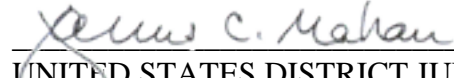
Defendants.

THIS MATTER COMES BEFORE THE COURT pursuant to the June 15, 2011 Mandate of the United States Court of Appeals, Ninth Circuit [Dkt. 270], reversing the Court's Order Granting Motion to Dismiss [Dkt. 248] and remanding for further proceedings on the Motion to Dismiss Action with Prejudice and on the Merits Pursuant to Rule 41(b) of the Fed. R. Civ. P. and LR 41-1 (the "Motion to Dismiss") [Dkt. 221] filed by Defendants Advance Title, First American Title Insurance Company, Carol Bragdon, and Tara Monjure, which was joined by Defendants Cara Maria Gudelis, Panther Investments, Rudolph Straat and Options Are Us, Inc. [Dkt. 223], Joseph Appraisal Group Nevada and Maria Miller [Dkt. 226], Camelback Title Agency, Priscilla Cruz, and John F. Cruz [Dkt. 229], Brian Haneline, Malissa Lang, and Ace Appraisals Corporation [Dkt. 233], Commonwealth Land Title and Lawyers Title of Nevada [Dkt. 241], and Definitive Appraisals, Inc., and Jennifer Sagers [Dkt. 246].

In accordance with the Court's October 4, 2011 Order, Plaintiff Morris C. Aaron, Liquidating Trustee of the First Magnus Liquidating Trust, and real party in interest for First Magnus Financial Corporation [Dkt. 297], Defendants Commonwealth Land Title Insurance Company and Lawyers Title of Nevada [Dkt. 294], and Defendants Ace Appraisals, Corp., Brian Haneline, and Malissa Lang [Dkt. 296] each filed supplemental briefs regarding their respective views on the application of the facts of this case to the analysis of the factors identified in the Ninth Circuit's decision in *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). On November 1, 2011, the Court heard oral argument on the Motion to Dismiss [Dkt. No. 221]. Based on all of the foregoing, and the entire record before the Court, for the reasons stated on the record during the November 1, 2011 hearing, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss [Dkt. 221], and all joinders thereto, are denied without prejudice; and

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all defendants in this  
2 action shall have twenty (20) days from the date of this Order to file an answer or other pleading  
3 responsive to Plaintiff's Second Amended Complaint [Dkt. 295].

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5 UNITED STATES DISTRICT JUDGE  
6 DATED: November 10, 2011  
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